THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6361 OF 2006

Between:

Ushodaya Colony Welfare Association ..Petitioner

And

The State of Andhra Pradesh, represented by the Chief Secretary to the Government (Revenue Registration-1 Dept.) A.P. Secretariat, Hyderabad. and others

..Respondents

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ORDER:

The petitioner is a Society registered under the provisions of the Andhra Pradesh Public Societies Registration Act, 2001. The petitioner's house sites were comprised in survey No.222 situated at Gajularamaram Village of Qutubullapur Mandal in Ranga Reddy District. These members purchased the land from the original owner, who obtained 'Occupancy Rights Certificate' under the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955. Some of the members wanted to resell their respective house sites. At that stage, the association came to know that the Government in purported exercise of their power under Section 22-A of the Registration Act, 1908 ('the Act', for brevity), as amended by the Andhra Pradesh (Amendment) Act, 1999, issued a notification vide G.O.Ms.No.287, dated 09.03.2005, prohibiting registration of the land in various survey numbers of Gajularamaram Village including the land in which the members of the petitioner association purchased. The petitioner, therefore, made a representation to the Special Officer requesting to re-notify the land in survey No.222 under Rule 4(3) of the Andhra Pradesh (Prohibition of Registration of Certain Documents Opposed to Public Policy) Rules, 1999, in vain. Therefore, the present Writ Petition is filed seeking invalidation of the notification impugned in the Writ Petition.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General).

In **State of Rajasthan v. Basant Nahata**[1] the Supreme Court

invalidated Section 22-A of the Act, as amended by the State of Rajasthan by Act No.16 of 1976, which is in *pari materia* to Section 22-A of the Act. Following the same, a Division Bench of this Court in W.P.No.14099 of 2003 and batch, by order, dated 07.12.2005, declared Section 22-A of the Act as unconstitutional. The respondents should keep in mind while considering the representation made by the petitioner association to the first respondent, the judgment of the Supreme Court as well as this Court and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

The Writ Petition, with the above observations, is accordingly disposed of. No costs.

(V.V.S.RAO, J)

10.04.2006
GJ

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[1] (2005) 12 SCC 77=AIR 2005 SC 3401